

REMARKS

Claims 1-19 are pending in the present application. Claims 1-3 and 19 were amended in this response. No new matter has been introduced as a result of the amendments. Favorable reconsideration is respectfully requested.

The Office Action stated in page 3 that the form of amended claims 1-3 and 19 “[failed] to further limit the scope of the claim to overcome the applied prior art.” The Office Action emphasized the use of the term “are” in the response, however it is not clear if the Office Action interpreted this terminology as an intended use. If so, Applicant submits that such an interpretation is improper. However, in the spirit of cooperation, Applicant has amended claims 1-3 and 19 to remove this term.


Claims 1-6 and 8-19 were rejected under 35 U.S.C. §102(e) as being anticipated by *Hoffmann* (US App 2002/0054586). Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Hoffmann* (US App 2002/0054586). Applicants respectfully traverse these rejections. Favorable reconsideration is earnestly requested.

Applicants wish to point out that the US filing date for *Hoffmann* is August 1, 2001. The present application claims a foreign priority to German application 100 37 726.2, wherein a certified copy of the priority document was provided to the USPTO on August 2, 2001. While the priority document was registered in the USPTO as having a priority date of August 2, 2001, this date is incorrect, as the face of the German application clearly shows the filing date as “02. August 2000.” This fact is further supported in the PCT filing of the present application (WO 02/11458 A1), filed on July 9, 2001, where the correct priority date (August 2, 2000) is also indicated. As such, Hoffman cannot be considered prior art to the present application under 35 U.S.C. §102(e).

Accordingly, Applicant submits the rejection under 35 U.S.C. §102 is improper and should be withdrawn. As claim 7 depends from claim 1, it is also submitted that the rejection under 35 U.S.C. §103 is also improper and should be withdrawn. In light of the above remarks, Applicant submit that claims 1-19 are in condition for allowance and request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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